APPENDIX.

Federal Employers' Liability Act (45 U.S.C. Sec. 51):

"Every common carrier by railroad while engaging in commerce between any of the several states * * * shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, * * * for such injury * * * resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment." Apr. 22, 1908, c. 149, Sec. 1, 35 Stat. 65; Aug. 11, 1939, c. 685, Sec. 1, 53 Stat. 1404.

Federal Employers' Liability Act (45 U.S.C. Sec. 53):

"In all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this chapter to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee; *Provided,* That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee. Apr. 22, 1908, c. 149, Sec. 3, 35 Stat. 66."

Federal Boiler Inspection Act (45 U.S.C. Sec. 23):

"It shall be unlawful for any carrier to use or permit to be used on its line any locomotive unless said locomotive, its boiler, tender, and all parts and appurtenances thereof are in proper condition and safe to

operate in the service to which the same are put, that the same may be employed in the active service of such carrier without unnecessary peril to life or limb, and unless said locomotive, its boiler, tender, and all parts and appurtenances thereof have been inspected from time to time in accordance with the provisions of sections 28, 29, 30, and 32 of this title and are able to withstand such test or tests as may be prescribed in the rules and regulations hereinafter provided for. Feb. 17, 1911, c. 103, Sec. 2, 36 Stat. 913; Mar. 4, 1915, c. 169, Sec. 1, 38 Stat. 1192; June 7, 1924, c. 355, Sec. 2, 43 Stat. 659."

Federal Safety Appliance Act (45 U.S.C. Sec. 11):

"It shall be unlawful for any common carrier subject to the provisions of sections 1-16 of this title to haul, or permit to be hauled or used on its line, any car subject to the provisions of said sections not equipped with appliances provided for in sections 11-16 of this title, to wit: All cars must be equipped with secure sill steps and efficient hand brakes; * * * Apr. 14, 1910, c. 160, Sec. 2, 36 Stat. 298."

Rules of Interstate Commerce Commission.

Rule 101. The railroad company will be held responsible for the general design, construction, and maintenance of locomotives and tenders under its control. (Code of Federal Regulations, Title 49, Parts 1-91, Sec. 91.101, p. 1236)

Rule 129. (a) Locomotives used in road service.— Each locomotive used in road service between sunset and sunrise shall have a headlight which shall afford sufficient illumination to enable a person in the cab of such locomotive who possesses the usual visual capacity required of locomotive enginemen, to see in a clear atmosphere, a dark object as large as a man of average size standing erect at a distance of at least 800 feet ahead and in front of such headlight; and such headlight must be maintained in good condition.

(b) Each locomotive used in road service, which is regularly required to run backward for any portion of its trip, except to pick up a detached portion of its train, or in making terminal movements, shall have on its rear a headlight which shall meet the foregoing requirements.

(c) Such headlights shall be provided with a device whereby the light from same may be diminished in yards and at stations or when meeting trains.

(d) When two or more locomotives are used in the same train, the leading locomotive only will be required to display a headlight. (Code of Federal Regulations, Title 49, Parts 1-91, Sec. 91.129)

Rule 131. Locomotives used in yard service.—Each locomotive used in yard service between sunset and sunrise shall have two lights, one located on the front of the locomotive and one on the rear, each of which shall enable a person in the cab of the locomotive under the conditions, including visual capacity, set forth in rule 129, to see a dark object such as there described for a distance of at least 300 feet ahead and in front of such headlight; and such headlights must be maintained in good condition. (Code of Federal Regulations, Title 49, Parts 1-91, Sec. 91.131)

Rules of Appellate Court of Illinois—First District.

Rule 36. Without regard to the amount involved, this Court and each division thereof shall designate for publication in full in Appellate Court Reports, only such written decisions of such court as contain a discussion of a new or doubtful question of law, or involve the application of rules of law to a novel state of fact, or decide a new or unsettled question of practice.